

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THOMAS C. ALLEN and DEPARTMENT OF THE NAVY,
MILITARY SEALIFT COMMAND, Virginia Beach, VA

*Docket No. 00-951; Submitted on the Record;
Issued February 16, 2001*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained a hearing loss causally related to factors of his federal employment.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet his burden of proof to establish that he sustained a hearing loss causally related to factors of his federal employment.

On May 26, 1998 appellant, then a 65-year-old seaman, filed an occupational disease claim alleging that he sustained a bilateral hearing loss due to noise exposure at work.¹

In notes dated April 6, 1998, a physician diagnosed moderate to severe sensorineural hearing loss and tinnitus. He did not opine as to the cause of these conditions.

Appellant submitted copies of audiograms dated 1974 to 1998.

By letter dated September 29, 1998, the Office of Workers' Compensation Programs advised appellant that he needed to submit additional information including a medical report establishing that his hearing loss was causally related to his employment.

In response to the Office's request for additional evidence, appellant submitted a work history and history of noise exposure and copies of audiograms.

By decision dated December 23, 1998, the Office denied appellant's claim on the grounds that he had failed to submit medical evidence establishing that his hearing loss was caused by his federal employment.

¹ Appellant retired on February 2, 1994 and his last date of exposure to conditions alleged to have caused his hearing loss was September 12, 1993.

The Board finds that appellant failed to meet his burden of proof to establish that he sustained a hearing loss causally related to factors of his employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.² The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,³ must be one of reasonable medical certainty,⁴ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁵

In this case, appellant failed to submit a rationalized medical report establishing that his hearing loss was causally related to factors of his employment. Therefore, he failed to meet his burden of proof and the Office properly denied his claim.

² See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ See *Morris Scanlon*, 11 ECAB 384-85 (1960).

⁵ See *James D. Carter*, 43 ECAB 113, 123 (1991); *George A. Ross*, 43 ECAB 346, 351 (1991).

The decision of the Office of Workers' Compensation Programs dated December 23, 1998 is hereby affirmed.

Dated, Washington, DC
February 16, 2001

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member